

Executive

As Passed By House

PUBCD6 Trumbull County: county share fund

R.C. 120.04

Abolishes Fund 4X70 Trumbull County- County Share and consolidates it with Fund 4C70 Multi-county: County Share.

Fiscal effect: Combining all county reimbursement lines will create certain administrative efficiencies for OPD.

PUBCD5 Parole hearings and private counsel

R.C. 120.06, 120.08

Requires OPD to provide legal representation in full board hearings and parole eligibility hearings, unless the person subject to the full board hearing or parole eligibility hearing has the financial capacity to retain the person's own counsel.

Allows OPD to contract with private counsel if OPD determines that it does not have the capacity to provide legal representation.

Requires that if OPD contracts with private counsel to provide legal representation, OPD must directly pay private counsel's legal fees and expenses from the Indigent Defense Support Fund.

Fiscal effect: Likely minimal. Under current law, OPD is required to provide legal representation in parole and probation revocation matters, or matters relating to the revocation of community control or post-release control under a community control sanction or post-release control sanction, when designated by the court or requested by the county public defender, joint county public defender, or the DRC Director.

PUBCD7 Indigent defense reimbursement

No provision.

R.C. 120.04

Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 120.06, 120.08

Same as the Executive, but permits rather than requires OPD to provide legal representation in full board hearings and parole eligibility hearings, unless the person subject to the full board hearing or parole eligibility hearing has the financial capacity to retain the person's own counsel.

Same as the Executive.

Same as the Executive.

Fiscal effect: Possible cost savings in cases where OPD is no longer required to provide legal representation in full board hearings and parole eligibility hearings.

R.C. 120.34, 120.04, 120.06, 120.08, 120.33

Permits that reimbursements made to counties by OPD for indigent defense may be capped at rates specified by the General Assembly.

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No provision.

Requires OPD to prioritize reimbursement to counties that contract with OPD before the remainder of reimbursement funds are allocated proportionally to counties that do not contract with OPD for indigent defense.

No provision.

Allows OPD to use up to 10% of the amount received pursuant to an indigent defense contract with a county public defender commission, a joint county public defender commission, or a board of county commissioners, to provide administrative or other personnel, equipment, and facilities necessary to support OPD in that county or region.

Fiscal effect: The ability to cap and modify reimbursement costs may shift any exceeding costs away from OPD and to local counties. Related entry PUBCD2 caps the rate at an hourly rate not to exceed whichever is greater: \$75 per hour, or the rate established by the county as of April 1, 2023, for FY 2024 and FY 2025.

PUBCD1 Training Account**Section: 371.10**

Requires GRF ALI 019405, Training Account, to be used to provide legal training programs at no cost for private appointed counsel who represent at least one indigent person at no cost, and state and county public defenders and attorneys who contract with OPD to provide indigent defense services.

Section: 371.10

Same as the Executive.

PUBCD2 County reimbursement - Indigent defense support**Section: 371.10**

Requires GRF ALI 019501, County Reimbursement, to reimburse counties for the costs of operating county public defender offices, joint county public defender offices and county appointed counsel systems, the counties' costs and expenses of conducting the defense in capital cases, the counties' costs and expenses of appointed counsel, and any other costs to provide legal representation to indigent persons.

Section: 371.10

Same as the Executive, but caps reimbursement of county costs at an hourly rate not to exceed whichever is greater: \$75 per hour, or the rate established by the county as of April 1, 2023, pursuant to continuing law during the FY 2024 - FY 2025 biennium.

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No provision.

Adds intent language stating that the intent of the General Assembly is to stabilize costs while allowing the task force established in H.B. 150 of the 134th General Assembly to issue its report regarding a study of indigent defense.

PUBCD3 Cash transfer from the General Revenue Fund to the Legal Aid Fund

Section: 371.10

Requires the OBM Director, on July 1 of each fiscal year, to transfer \$500,000 cash from the GRF to the Legal Aid Fund (Fund 5740). Requires that this cash be distributed by the Ohio Access to Justice Foundation to Ohio's civil legal aid societies for the following:

(1) \$250,000 in each fiscal year for the sole purpose of providing legal services for economically disadvantaged individuals and families seeking assistance with legal issues arising as a result of substance abuse disorders.

(2) \$250,000 in each fiscal year for the sole purpose of providing legal services for veterans.

Prohibits any of the money to be used for administrative costs.

Section: 371.10

Same as the Executive, but increases the cash transfer amount from \$500,000 to \$1,000,000.

(1) Same as the Executive.

(2) Same as the Executive.

Same as the Executive.

PUBCD4 Federal Representation

Section: 371.10

Requires Fund 3850 ALI 019608, Federal Representation, to be used to support representation provided by OPD in federal court cases.

Section: 371.10

Same as the Executive.

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OBMCD41 Cash transfers and abolishment of funds

Section: 516.10

For purposes of abolishing various funds that are no longer needed, authorizes the OBM Director to carry out necessary accounting procedures, including transferring the remaining cash balances from the funds that are to be abolished, canceling existing encumbrances, and reestablishing those encumbrances against appropriate funds.

Lists the funds to be abolished, including funds used by: COM, DAS, DEV, OhioMHAS, ODPS, BEMC, OFCC, INS, ODJFS, OPD, and Ohio EPA.

Section: 516.10

Same as the Executive.

Same as the Executive.

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DRCCD14 Full Parole Board hearings

R.C. 5149.101

Removes: (a) the ability for a Board hearing officer, a Board member, or the Office of Victims’ Services to petition the Board for a full Parole Board hearing that relates to the proposed parole or re-parole of a prisoner, including when the offense was committed by a minor, and (b) the requirement that, at such a meeting of the Board at which a majority of members are present, the majority of those present determine whether a full Board meeting will be held.

Provides that, if a victim of aggravated murder, murder, a felony offense of violence of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, the victim’s representative, or specified family members of the victim (spouse, parent/parents, sibling, or child/children) requests a full Board hearing that relates to the proposed parole or re-parole of a prisoner that committed the violation, it must be through the Office of Victims’ Services (current law does not specify to whom such a request is to be made).

Permits family members of the victim not specified above to request, through the Office of Victims’ Services, for the Board to hold a full Board hearing that relates to the proposed parole or re-parole of a person who committed aggravated murder, murder, a felony offense of violence of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, and if such a request is made, requires the majority of those present at the Board meeting to determine whether a full Board hearing will be held.

Permits the prosecuting attorney to submit a request directly to the Board to hold a full Board hearing that relates to the proposed parole or re-parole of a person who committed aggravated murder, murder, a felony offense of violence of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, and requires the Board to hold a full Board hearing.

R.C. 5149.101

Same as the Executive.

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Allows the State Public Defender, when designated by DRC, to appear at a full Board hearing and to give testimony or to submit a written statement (unchanged is current law that requires the Board to permit counsel or another person designated by the prisoner as a representative to appear and to give testimony or to submit a written statement).

Same as the Executive.

Fiscal effect: None, as largely codifies current practice.

Fiscal effect: Same as the Executive.